

SEP. 24. 2003 5:27PM

POTTER ANDERSON & CORROON LLP

NO. 6935 P. 2

OFFICIAL

11
3H
9/25/3

In the United States Patent and Trademark Office

FAX RECEIVED
SEP 24 2003
GROUP 1700

In the Application of: Brookhart et al.

For: α -Olefins and Olefin Polymers and Processes Therefor

Application No. 09/887,273

Group Art Unit: 1713

Filed: June 22, 2001

Examiner: R. Rabago

Attorney Docket No.: CR9608USDIV9

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPENDIX TO APPEAL BRIEF

Applicants filed an Appeal Brief for the above-referenced application on September 3, 2003. It appears that the Appendix, listing the claims under appeal, was inadvertently omitted from the Appeal Brief. The Appendix is attached hereto.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Applicants believe that no fee is due. However, if any fee is due, please charge the fee to Deposit Account No. 04-1298.

Respectfully submitted,

Dated:

By:

Gail Dalickas

Gail A. Dalickas

Reg. No.: 40,979

Telephone: (302) 984-6282

Facsimile: (302) 658-1192

APPENDIX**APPEALED CLAIMS**

--563.(NEW) A process for the production of a polyolefin having at least 50 branches per 1000 methylene groups and at least two branches of different lengths containing less than 6 carbon atoms each, comprising the step of polymerizing one or more monomers of the formula $H_2C=CH(CH_2)_eG$, wherein

G is hydrogen or $-CO_2R^1$,

e is 0 or an integer of 1 to 20,

R^1 is hydrogen, hydrocarbyl or substituted hydrocarbyl, and

in at least 50 mole percent of said monomers G is hydrogen,

by contacting said one or more monomers with a transition metal containing coordination polymerization catalyst under polymerizing conditions such that in said polyolefin:

(i) the number of branches per 1000 methylene groups is 90% or less than the number of theoretical branches per 1000 methylene groups, or

(ii) the number of branches per 1000 methylene groups is 110% or more of theoretical branches per 1000 methylene groups; or

(iii) when there should be no branches theoretically present, said polyolefin has 50 or more branches per 1000 methylene groups.--

--564.(NEW) The process as recited in claim 563, wherein said one or more monomers are contacted with said transition metal containing coordination polymerization catalyst under polymerizing conditions such that in said polyolefin:

(i) the number of branches per 1000 methylene groups is 80% or less than the number of theoretical branches per 1000 methylene groups, or

(ii) the number of branches per 1000 methylene groups is 120% or more of theoretical branches per 1000 methylene groups; or

(iii) when there should be no branches theoretically present, said polyolefin has 75 or more branches per 1000 methylene groups.--

--565.(NEW) A process for the production of a polyolefin having at least 50 branches per 1000 methylene groups and at least two branches of different lengths containing less than 6 carbon atoms each, comprising the step of polymerizing one or more monomers of the formula $H_2C=CH(CH_2)_eG$, wherein

G is hydrogen or $-CO_2R^1$,

e is 0 or an integer of 1 to 20,

R^1 is hydrogen, hydrocarbyl or substituted hydrocarbyl, and

in at least 50 mole percent of said monomers G is hydrogen,
by contacting said one or more monomers with a transition metal containing coordination polymerization catalyst under polymerizing conditions such that in said polyolefin:

- (1) there are at least 50 branches of the formula $-(CH_2)_fG$ per 1000 methylene groups, wherein $e \neq f$, and/or
- (2) for any single monomer of the formula $H_2C=CH(CH_2)_eG$ there are
 - (a) less than 90% of the number of theoretical branches per 1000 methylene groups of the formula $-(CH_2)_fG$ and $f=e$, or
 - (b) more than 110% of the theoretical branches per 1000 methylene groups of the formula $-(CH_2)_fG$ and $f=e$.--

--566.(NEW) The process as recited in claim 565 wherein said one or more monomers are contacted with a transition metal containing coordination polymerization catalyst under polymerizing conditions such that in said polyolefin:

- (1) there are at least 50 branches of the formula $-(CH_2)_fG$ per 1000 methylene groups, wherein $e \neq f$, and/or
- (2) for any single monomer of the formula $H_2C=CH(CH_2)_eG$ there are
 - (a) less than 80% of the number of theoretical branches per 1000 methylene groups of the formula $-(CH_2)_fG$ and $f=e$, or
 - (b) more than 120% of the theoretical branches per 1000 methylene groups of the formula $-(CH_2)_fG$ and $f=e$.--

--567.(NEW) The process as recited in claim 563, wherein said monomer is ethylene only.--

--568.(NEW) The process as recited in claim 564, wherein said monomer is ethylene only.--

--569.(NEW) The process as recited in claim 565, wherein said monomer is ethylene only.--

--570.(NEW) The process as recited in claim 566, wherein said monomer is ethylene only.--

--571.(NEW) The process as recited in claim 563, wherein said monomer is propylene only.--

--572.(NEW) The process as recited in claim 564, wherein said monomer is propylene only.--

--573.(NEW) The process as recited in claim 565, wherein said monomer is propylene only.--

--574.(NEW) The process as recited in claim 566, wherein said monomer is propylene only.--

POTTER ANDERSON & CORROON LLP

HERCULES PLAZA
1313 NORTH MARKET STREET
P. O. BOX 951
WILMINGTON, DELAWARE 19899-0951
VOICE: (302) 984-6000
FAX: (302) 658-1192

FAX RECEIVED
SEP 24 2003
GROUP 1700

DATE: SEPTEMBER 24, 2003**FACSIMILE TRANSMITTAL SHEET**

TO: Examiner R. Rabago	COMPANY: United States Patent and Trademark Office	FAX NUMBER: (703) 872-9710	PHONE NUMBER: (703) 308-4347
FROM: Gail A. Dalickas	PHONE NUMBER: (302) 984-6282	EMAIL: gdalickas@potteranderson.com	
NUMBER OF PAGES: 5	CHARGE FILE NUMBER: 23100-643	OPERATOR: Janet Abbott	

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
OUR MAILROOM AS SOON AS POSSIBLE AT: 984-6282
ORIGINAL DOCUMENT WILL NOT FOLLOW BY MAIL

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ FOR YOUR INFORMATION

NOTES/COMMENTS:

For: alpha-Olefins and Olefin Polymers and Processes Therefor

Application No.: 09/887,273

Filed: June 22, 2001

Attorney Docket: CR9608 US DIV9

Attached is the Appendix to Appeal Brief.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.